

ENVIRONMENTAL PROCESS UPDATE

Following the issuance of the Notice of Intent (NOI) in the Federal Register (February 3, 2005), which identified Delaware Department of Transportation's (DelDOT) intention to evaluate the US 301 project under the National Environmental Policy Act (NEPA) process and provide the results of that evaluation in an Environmental Impact Statement, DelDOT and the Federal Highway Administration met with representatives of the various resource and regulatory agencies to begin the consideration of the effects of the project on the natural and built environment. Three of those agencies requested to be cooperating agencies (DEFINE): the US Army Corps of Engineers, the US Environmental Protection Agency, and the US Fish and Wildlife Service.

The consideration of the effects on the environment has been conducted according to the guidelines issued by the Council on Environmental Quality (CEQ) and according to the Mid-Atlantic Transportation and Environmental Streamlining Process (MATE Process). MATE is a cooperative, coordinated process that brought all of the resource and regulatory agencies together concurrently, ensuring comprehensive consideration of all resources.

STEP 1 - Purpose and Need (June, 2005)

Prepared by DelDOT and FHWA, the cooperating agencies concurred in the purpose and need for the project in July and August, 2005.

STEP 2 – Environmental Inventory and Range of Alternatives

A range of alternatives was developed from past efforts (the 1994 DEIS and the 2000 MIS) and current studies that included the Red, Yellow, Orange, Purple, Brown and Green Alternatives. The Blue Alternative was added following the initial June 20 and 21, 2005 Public Workshop.

STEP 3 – Preliminary Effects and Alternatives Retained for Detailed Evaluation

Potential environmental impacts were updated, agency meetings were held and a second Public Workshop in September, 2005, led to the project team's recommendation to retain the Yellow, Purple, Brown and Green Alternatives for detailed evaluation. The agencies concurred.

STEP 4 – Detailed Evaluation of the Alternatives Retained

Continued efforts by the project team and agencies resulted in revisions of alignments and engineering details to better serve the project Purpose and Need and avoid or minimize direct impacts (physical and noise impacts) to natural and socioeconomic resources, including wetlands and streams, historic resources, community facilities, neighborhoods, and potential bog turtle habitat areas. Progress was delayed while the team, under the direction of DNREC and USFWS, conducted surveys for the threatened bog turtle throughout the project area. Toll diversion issues were addressed during a series of meetings with officials and representatives of potentially affected areas in Maryland.

STEP 5 – Publication of the Draft Environmental Impact Statement

The Draft Environmental Impact Statement (DEIS) is scheduled for publication in late fall, 2006. The DEIS will detail all of the known environmental resources that may be affected by the four retained alternatives as well as preliminary efforts to avoid, minimize or mitigate those impacts. The document will include a recommendation by the project team for a Preferred Alternative. The document will be available for public review and comment for a period of no less than 45 days. A Public Hearing will be scheduled for late fall, 2006, to receive formal public comments about the document.

NEXT STEPS -

FHWA and DeIDOT will consider all substantive public comments received during the formal comment period and address them in the Final Environmental Impact Statement (FEIS) that is anticipated to be available in early spring, 2007. The FEIS will provide further engineering design for the Preferred Alternative, complete a more detailed determination of effects, resolve issues regarding impacts and propose avoidance, minimization and mitigation strategies to address the impacts. Continued agency coordination will ensure thorough consideration of all impacts and issues. A Biological Assessment will be completed as a part of informal consultation with the US Fish and Wildlife Service and DNREC regarding the bog turtle and its habitat. Section 106 (National Historic Preservation Act) Consultation will continue to resolve the effects to historic properties and a Memorandum of Agreement (MOA) will detail that resolution. Wetlands and streams impacts mitigation sites will be identified and evaluated. Further consultation with Maryland will continue the efforts to resolve any toll diversion issues and any indirect effects that may arise from toll diversions.

FHWA and DeIDOT will, finally, request and receive agency concurrence on the Preferred Alternative selection and proposed mitigation of unavoidable environmental impacts prior to publication of the FEIS. Following publication, all commitments agreed upon during the process to declaring the Selected Alternative for the US 301 project will be formalized in a Record of Decision (ROD).